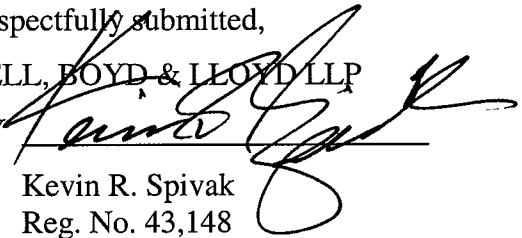


REMARKS

Claims 35-40 have been rejected under 35 USC 112, second paragraph. The claims have been amended accordingly. More specifically, claims 35 and 38 have been amended to clarify that the communication device is arranged in the first communication network (amended to recite "access network"). Additionally, the second communication network has been amended to clarify that it is the "packet-oriented communication network." With respect to the "tools" and "further tools", Applicants submits that these terms are properly claimed as recited. The tools, for example, are functions CBR_FA, rt-VBR_FA, UBR/UBR+_FA provided in the access and packet-oriented networks. These functions, as correctly stated by the Examiner, may take the form of software, hardware or otherwise, as supported by the disclosure and understood by the skilled artisan. For example, in the claimed invention, insert tools are provided in the communication device such that at least one of the message cells to be transmitted and comprising a same assigned priority are added to a user data field of at least one data packet of the packet-oriented communication network. There is no requirement that these "tools" be classified as either hardware or software in order to be clear. The Examiner additionally states that "both tools are not necessary to be considered as parts of an apparatus." This statement is not clear from the Examiner, and Applicants request that the Examiner elaborate should the rejection stand. However, there is no requirement that both the insert and assign tools may not be recited in the claims. Indeed, there is no limit on the number of terms Applicant may recite in the claims. Moreover, claim limitations need not be "necessary" in order to be recited. Moreover, the "access network" and "packet-oriented network" recite sufficient structure in the claims, such that they are clearly not method claims. As such, claims 35-40 are allowable. Claims 21-34 have been allowed.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket No. 119010-061.

Respectfully submitted,
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